

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

JUL 21 2023

TAMMY H. DOWNS, CLERK

By:  DEP CLERK

UNITED STATES OF AMERICA

PLAINTIFF

VS. NO. 4:17CR00293-045 BSM

MARCUS O. MILLSAP

DEFENDANT

CHAMBERS BANK

GARNISHEE

APPLICATION FOR WRIT OF GARNISHMENT

The United States of America, Plaintiff, makes application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Garnishment upon the judgment entered against the Defendant, Marcus O. Millsap, Social Security Number XXX-XX-8574, whose last known address is: Marcus O. Millsap, Reg. #32531-009, USP Coleman I, U.S. Penitentiary, P.O. Box 1033, Coleman, FL 23521, in the above-cited action in the amount of \$200,300.00, as of today.

Demand for payment of the above-stated debt was made upon the Defendant. Not less than thirty (30) days has elapsed since request for payment, and Defendant has failed to satisfy the debt. The Garnishee is believed to owe or will owe money or property to Defendant, or is in possession of property of the Defendant, and said property is a non-exempt interest of the Defendant, *specifically, but not limited to:* any and all checking accounts, savings accounts, money-market accounts, business accounts, mortgages, IRAs and/or Certificates of Deposit.

The name and address of the Garnishee or his authorized agent is:

Chambers Bank
Attn: Garnishment Department
901 Main Street
Post Office Box 609
Danville, Arkansas 72833

Respectfully Submitted,

JONATHAN D. ROSS
United States Attorney

/s/ Josh Newton 
By: Josh Newton
Arkansas Bar Number 2004153
Assistant U.S. Attorney
P.O. Box 1229
Little Rock, AR 72203
Telephone: 501-340-2600
E-mail: josh.newton@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which shall send electronic notification to all CM/ECF participants.

Lee Curry
lcurry@bradhendricks.com

Michael Kiel Kaiser
michael@lcarklaw.com

And was mailed to the following, U.S. Mail, postage prepaid:

Marcus O. Millsap
Reg. #32531-009
USP Coleman I
U.S. Penitentiary
P.O. Box 1033
Coleman, FL 23521

Josh Newton
Assistant U.S. Attorney

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 4:17CR00293-045 BSM

MARCUS O. MILLSAP

DEFENDANT

CHAMBERS BANK

GARNISHEE

WRIT OF GARNISHMENT

GREETINGS TO: Chambers Bank
Attn: Garnishment Department
901 Main Street
Post Office Box 609
Danville, Arkansas 72833

An application for a Writ of Garnishment against the property of Marcus O. Millsap, Defendant, has been filed with this Court. A judgment has been entered against the above-named Defendant in the amount of \$200,300.00. A balance of \$200,300.00 remains outstanding.

You are required by law to answer in writing, under oath, within ten (10) days, whether or not you have in your custody, control or possession, any property owned by the Defendant, *specifically, but not limited to:* any and all checking accounts, savings account, money-market accounts, business accounts, mortgages, IRAs and/or Certificates of Deposit.

You must file the original written answer to this Writ within ten (10) days of your receipt of this Writ with the United States District Clerk at: 600 W. Capitol Avenue, Suite A149, Little Rock, Arkansas, 72201. Additionally, you are required by law to serve a copy of this Answer upon the Defendant at his last known address, Marcus O. Millsap, Reg. #32501-009, USP Coleman I, U.S.

Penitentiary, P.O. Box 2011, Coleman, FL 23521, and upon the United States Attorney's Office, Financial Litigation Program, P.O. Box 1229, Little Rock, Arkansas 72203.

Under the law, there is property which is exempt from this Writ of Garnishment. Property which is not subject to this order which is listed on the attached Claim for Exemption form.

If you fail to answer this Writ or withhold property in accordance with this Writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this Writ, the Court may enter a judgment against you for the value of the Defendant's non-exempt property. *It is unlawful to pay, disburse, or deliver to the Defendant any item attached by this Writ until further order of this Court.*

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court a Little Rock, this 21st day of July, 2023.

TAMMY H. DOWNS
Clerk, United States District Court

By:



**CLAIM FOR EXEMPTION FORM
EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613)**

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I claim that the exemption(s) from enforcement which are checked below apply in this case:

- 1. Wearing apparel and school books. -- Such items of wearing apparel and such school books as are necessary for the Defendant or for members of his family.
- 2. Fuel, provisions, furniture, and personal effects. -- So much of the fuel, provisions, furniture, and personal effects in the Defendant's household, and of the arms for personal use, livestock, and poultry of the Defendant, as does not exceed \$10,810 in value.
- 3. Books and tools of a trade, business, or profession. -- So many of the books, and tools necessary for the trade, business, or profession of the Defendant as do not exceed in the aggregate \$5,400 in value.
- 4. Unemployment benefits. -- Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.
- 5. Undelivered mail. -- Mail, addressed to any person, which has not been delivered to the addressee.
- 6. Certain annuity and pension payments. -- Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- 7. Workmen's Compensation. -- Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.
- 8. Judgments for support of minor children. -- If the Defendant is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

- 9. Certain service-connected disability payments. -- Any amount payable to an individual as a service-connected (within the meaning of section 101(16) of Title 38, United States Code) disability benefit under -- (A) subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37 or 39 of such Title 38.
 - 10. Assistance under Job Training Partnership Act. -- Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) From funds appropriated pursuant to such Act.
 - 11. Minimum exemptions for wages, salary and other income. The exemptions under 26 U.S.C. § 6334(a)(9) do not apply in criminal cases. The exceptions under the Consumer Credit Protection Act, 15 U.S.C. § 1673, for disposable earnings, automatically apply and do not need to be claimed. The aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed (1) 25 % of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

The statements made in this claim of exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

(_____) or telephonically at (_____).
Address Phone No.

Defendant's printed or typed name

Signature of Defendant

Date

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 4:17CR00293-045 BSM

MARCUS O. MILLSAP

DEFENDANT

CHAMBERS BANK

GARNISHEE

**INSTRUCTIONS TO DEFENDANT
CLERK'S NOTICE OF POST JUDGMENT GARNISHMENT**

YOU ARE HEREBY NOTIFIED of this Writ of Garnishment taken by the United States of America, which has a judgment against you in the United States District Court, Eastern District of Arkansas in the sum of \$200,300.00. A balance of \$200,300.00, remains outstanding. The Garnishment was served on Garnishee: Chambers Bank, Attn: Garnishment Department, 901 Main Street, Post Office Box 609, Danville, Arkansas 72833, and it is believed that the Garnishee may have property of yours in its custody, possession, or control, now or in the future.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if you can show that the exemptions apply. Attached, to the Writ of Garnishment, is a summary of the major exemptions which apply in most situations in the State of Arkansas.

If you are the above-named Defendant/Debtor, you have a right to ask the Court to return your property to you if you think you do not owe the money to the Government that it claims you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must file a written objection to the Garnishee's answer within twenty (20) days after its receipt. In this written notice, you must state the grounds for your objection. You will have the burden of proving such grounds at the hearing.

You must either mail your written objection or deliver it, in person, to the Clerk of the United States District Court at 600 West Capitol Avenue, Suite A149, Little Rock, Arkansas, 72201. You must also send a copy of your request to the United States Attorney, Attn: Financial Litigation Program, P.O. Box 1229, Little Rock, Arkansas 72203, so the Government will know you want a hearing.

The hearing will take place within five (5) days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible. At the hearing, you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within twenty (20) days of receiving this notice, your property may be applied to the debt you owe the Government.

If you think you live outside the federal judicial district in which the Court is located, you may request, not later than twenty (20) days after you receive this notice, that this proceeding, to take your property, be transferred by the Court to the federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it, in person, to the Clerk of the Court at 600 West Capitol Avenue, Suite A149, Little Rock, Arkansas, 72201. You must also send a copy of your request to the United States Attorney's Office, Attn: Financial Litigation Program, P.O. 1229, Little Rock, Arkansas 72203, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal

assistance, or the Clerk of the Court. The clerk is not permitted to give legal advice but can refer you to other sources of information.

DATED this ____ day of July, 2023.

TAMMY H. DOWNS **JUL 21 2023**
CLERK, UNITED STATES DISTRICT COURT


Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 4:17CR00293-045 BSM

MARCUS O. MILLSAP

DEFENDANT

CHAMBERS BANK

GARNISHEE

TO: Chambers Bank
Attn: Garnishment Department
901 Main Street
P.O. Box 609
Danville, Arkansas 72833

INSTRUCTIONS TO THE GARNISHEE

Attached is a Writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property of the Defendant listed therein, or any other property of the Defendant's. You are required by law to file an answer with the court issuing the writ within ten (10) days of receipt of this writ and serve a copy on the Defendant and counsel for the United States. You are further required to withhold and retain any property in which the Defendant has a substantial non-exempt interest until you receive a garnishment order by the court with instructions. A list of exemptions which are not subject to the Writ of Garnishment is attached to the Writ, entitled Claim for Exemption form.

IF YOU FAIL TO ANSWER THIS WRIT OR TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEFENDANT'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AMERICA IF THE UNITED STATES FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.

If you have any additional questions, please contact the United States Attorney's Office at 501-340-2660 or by mail to:

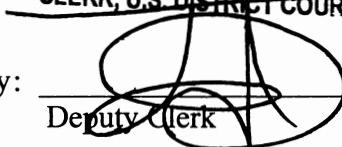
United States Attorney
Attn: Financial Litigation
Post Office Box 1229
Little Rock, Arkansas 72203

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at Little Rock, this ____ day of July, 2023.

JUL 21 2023

TAMMY H. DOWNS
UNITED STATES DISTRICT CLERK
CLERK, U.S. DISTRICT COURT

By: _____


Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 4:17CR00293-045 BSM

MARCUS O. MILLSAP

DEFENDANT

CHAMBERS BANK

GARNISHEE

ANSWER OF THE GARNISHEE

STATE OF _____

ss

COUNTY OF _____

_____, BEING DULY SWORN DEPOSES AND SAYS:
(Affiant)

1. IF GARNISHEE IS AN INDIVIDUAL:

That the Garnishee herein doing business in the name of _____
and address of business) _____ . (State full name

2. IF GARNISHEE IS A PARTNERSHIP:

That he/she is a member _____ of a partnership composed of which
Garnishee is a partner.

3. IF GARNISHEE IS A CORPORATION:

That he/she is the (State Official Title) _____ of Garnishee, Chambers
Bank, a corporation organized under the laws of the State of _____.

Garnishee was served with the Writ of Continuing Garnishment.

Further, Affiant-Garnishee states as follows:

Yes No

1. The Garnishee has custody, control or possession of the following property (non-earnings), in which the Defendant maintains an interest, as described below:

2. Garnishee anticipates owing to the judgment-debtor in the future, the following amounts:

3. Unable to determine at this time. Any funds due will be forwarded at a later date.

4. Are there currently garnishments in effect? (If the answer is yes, describe below.)

The Garnishee mailed a copy of this answer by first-class mail to (1) the Defendant, at Marcus O .Millsap, Reg. #32531-009, USP Coleman I, U.S. Penitentiary, P.O. Box 1033, Coleman, FL 33521, (2) the attorney for the United States at United States Attorney's Office, Financial Litigation Program, P.O. Box 1229, Little Rock, Arkansas 72203 and attorneys for defendant, Michael Kiel Kaiser, Attorney at Law, 1218 W. 6th Street, Little Rock, AR 72201 and Lee Curry, Attorney at Law, The Brad Hendricks Law Firm, 500 C Pleasant Valley Drive, Little Rock, AR 72227.

Garnishee

Subscribed and sworn to before me this _____ day of _____, 2023.

Notary Public

(Seal)

My Commission expires:

The Original Answer must be mailed to:

Clerk, United States District Court
600 West Capitol Avenue, Suite 149
Little Rock, Arkansas 72201

and a copy of this Answer to:

United States Attorney
Attn: Financial Litigation
P.O. Box 1229
Little Rock, Arkansas 72203

Marcus O. Millsap
Reg. #32531-009
USP Coleman I
U.S. Penitentiary
P.O. Box 1033
Coleman, FL 33521

Michael Kiel Kaiser
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Little Rock, AR 72201

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Little Rock, AR 72227